



ATTENTION ALL LICENSEES

Effective: July 1, 2004.

RSA 260:52-d Dyed Special Fuel Not to be Used on the Ways of the State

I. A person **shall not** operate a motor vehicle on the ways of this state if the fuel supply tanks of the vehicle contain dyed special fuel.

II. A person **shall not** sell or deliver any dyed special fuel knowing or having reason to know that the fuel will be consumed in a highway use. A person who dispenses dyed special fuel from a retail pump that is not properly labeled with the notice required by RSA 260:52-c, or who knowingly delivers dyed special fuel into the storage tank of such a pump, shall be presumed to know that the fuel will be consumed in a highway use.

III. A person **shall not**:

- (a) Import, export, or transport within this state special fuel, other than dyed special fuel, without the license required under RSA 260:36 unless the road toll has been paid on the special fuel.
- (b) Sell or deliver dyed special fuel from a retail pump unless the pump is properly labeled as required by RSA 260:52-c.

IV. A person who violates any provision of this section commits a violation and shall, upon conviction, be sentenced to pay a **fine of not less than \$100 nor more than \$500.**

V. In addition to any penalty provided in paragraph IV, a person who violates paragraph I or III shall be assessed a **penalty of \$1,000 or \$10 per gallon of dyed special fuel** involved in the sale, delivery, or consumption, whichever is greater.

VI. Any person authorized by the department may enter any place where fuels are produced or stored, and may physically inspect any tank, reservoir, or other container that can be used for the production, storage, or transportation of special fuel, special fuel dyes, or special fuel markers. Inspection may also be made of any equipment used for or in connection with the production, storage, or transportation of special fuel, special fuel dyes, or special fuel markers, including any equipment used for the dyeing or marking of special fuel. Books, records, or other documents may be inspected to determine road toll liability. A person authorized by the department may detain a vehicle, vessel, or railroad tank car placed on a customer's siding for use or storage for the purpose of inspecting fuel tanks or fuel storage tanks as necessary to determine the amount and composition of the fuel. A person authorized by the department may take and remove samples of diesel fuel in reasonable quantities necessary to determine the composition of the fuel.

VII. A person that refuses to allow an inspection authorized by this section commits a violation and shall, upon conviction, be sentenced to pay a **fine of \$1,000 for each refusal.**